

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL STEPSKI, KIRSTEN STEPSKI, Wife,  
GEAL RODERICK AND BENJAMIN SCHOBBER,

**PLAINTIFFS'**  
**NOTICE OF MOTION**

Plaintiffs,

-against-

06 Civil 1694  
(KMK)

The M/V NORASIA ALYA, her owners,  
operators, etc., and MS "ALENA"  
SCHIFFAHRITSGESELLSCHAFT mbH & CO. KG,  
PETER DOHLE SCHIFFAHRITS-KG,

Defendants.

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**PLEASE TAKE NOTICE** that, upon the annexed exhibits, the accompanying Local Rule 56.1 Statement, the accompanying memorandum of law and all the prior pleadings and proceedings herein, the undersigned attorneys for plaintiffs will cross-move this Court before the Honorable Kenneth M. Karas, at the United States Courthouse, White Plains, New York for an order in favor of plaintiffs for the following relief:

(1) Pursuant to Fed.R.Civ.P. Rule 56(e) for an order striking the affidavits of Richard Singleton, Michael Unger and the declaration of Maciej Kowalewski and certain of the annexed exhibits as set forth in plaintiffs' memorandum of law;

(2) Pursuant to Fed.R.Civ.P. 56(d) for an order setting forth those material facts upon which there is no substantial controversy;

(3) Pursuant to Rule 56(g) for an order that defendants pay plaintiffs the reasonable expenses caused by plaintiffs' filing affidavits in bad faith and delay including reasonable attorneys' fees; and

(4) Pursuant to Fed.R.Civ.P. Rules 15 and 19 amending the complaint to join Niantic Fish, Ltd. as plaintiff;

(5) and for such other, further and different relief as the Court deems just and proper.

DATED: NEW YORK, NEW YORK  
February 17, 2009

Yours, etc.

THOMAS H. HEALEY, ESQ.  
Attorney for Plaintiffs

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